

TOWN WARRANT
Special Town Meeting
November 8, 1993

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Special Town Meeting to be held in the Auditorium of the Amherst Regional Junior High School in said Amherst at seven thirty o'clock p.m. on Monday, the eighth day of November, nineteen hundred and ninety-three when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Town Bylaws - Article 1: Rules of Order for Town Meeting - (PETITION)
(Ken Mosakowski, et al)

"To see if the Town will vote to amend the Rules of Order for Town Meeting by decreasing the number of Town Meeting Members required to obtain a tallied vote."

ARTICLE 3. Socially Responsible Investment Policy (Select Board)

To see if the Town will rescind the action taken under Article 21 (1984 Fall Town Meeting) instructing the Board of Selectmen to implement a socially responsible investment policy requiring divestiture of all public holdings in corporations or businesses, including subsidiaries and affiliates thereof, that operate in the Republic of South Africa or that produce nuclear weapons or components of nuclear weapons.

ARTICLE 4. Transfer of Funds - Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 5. Recision of Borrowing Authorizations (Select Board)

To see if the Town will rescind the following borrowing authorizations:

Article 12, April, 1992 - \$3,800 for Fort River Roof
Article 17, April, 1992 - \$200,000 for Closing of Cell II (landfill)
Article 13, October, 1989 - \$300,000 for Southeast Street Water Main

ARTICLE 6. Optional Tax Exemptions (Board of Assessors)

To see if the Town will authorize the Board of Assessors to reduce the taxes of certain qualifying taxpayers through means of exemptions for elderly, veterans, blind, and surviving spouses (M.G.L. Ch. 59, Sec. 17D, 22, 37A, and 41C).

ARTICLE 7. Veterans Exemptions (Board of Assessors)

To see if the Town will accept the provisions of Chapter 110, section 110 of the FY 94 State Budget which adds the local option provision to F.L. Ch. 59, section 5, which reduces from five to one the number of years a person must have been a Massachusetts resident to qualify for a veteran exemption under Cl. 22, 22A, 22B, 22C, 22D, or 22E.

ARTICLE 8. FY 94 Operating Budget - Amendments (Select Board)

To see if the Town will amend the FY 94 Operating Budget by transferring from General Government or by appropriating and transferring from Enterprise Fund Surpluses the following:

1. \$130,738 to Public Safety
2. 42,783 to Public Works
3. 7,177 to Other Environmental

4. 11,018 to Human Services
5. 2,811 to Culture & Recreation
6. 19,800 to Water Fund
7. 13,000 to Sewer Fund
8. 3,278 to Golf Course Fund

ARTICLE 9. Capital Program - Equipment (Select Board)

To see if the Town will appropriate \$ 70,000 for the replacement of an ambulance and to meet that appropriation, transfer \$ 70,000 from Ambulance Receipts Reserved for Appropriation.

ARTICLE 10. Capital Program - Conservation (Conservation Commission)

To see if the Town will:

- a:appropriate and transfer \$16,500 from the Stabilization Fund for the purchase of Gull Pond for conservation purposes.
- b:appropriate and transfer \$14,000 from the Stabilization Fund to assist the Department of Food and Agriculture, Commonwealth of Massachusetts, with the purchase of Agricultural Preservation Restrictions on farms in Amherst.

ARTICLE 11. Zoning Map Amendment - Aquifer Recharge Protection District Revisions
(Planning Board)

To see if the Town will amend Section 3.25, Aquifer Recharge Protection, by deleting the language in brackets, adding the shaded language and renumbering the subsections as follows:

3.25 Aquifer Recharge Protection (ARP) District

3.250 General

The Aquifer Recharge Protection (ARP) District is an overlay district and shall be superimposed on other districts established by this Bylaw. Restrictions and prohibitions of land use in the underlying district shall remain in full force, and shall not be modified by the conditions of the ARP District unless superseded by the restrictions and prohibitions of the ARP District.

3.251 Establishment of District

The Aquifer Recharge Protection (ARP) District shall consist of those geographic areas shown on the Official Zoning Map. This District is configured to include all those lands which by virtue of their natural slope, soils, subsurficial geology and water tables relate directly to the recharge of groundwater into the large aquifer located in the Lawrence Swamp basin, and which shall include the primary recharge area and a three hundred (300) foot buffer from the edge of the primary recharge area.

3.252 Purpose

The purpose of this district is to protect the public health by preventing contamination of the ground and surface water flowing into the aquifer of the Lawrence Swamp Basin, which is the major water supply for the Town.

3.253 [Restrictions and] Prohibitions

The following are [restricted or] prohibited[, as the case may be,] in the ARP District, except as part of normal agricultural operations:

uses

3.2530[The release upon or within any land or water in the ARP District, of any hazardous material is prohibited, except as otherwise provided for in Section 3.25.]

Business and industrial uses, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning and auto body repair, which generate uses, treat, process, store or dispose of hazardous waste, except for the following:

1.Very small quantity generators of hazardous waste, as defined by 310 CMR 30.00, as amended, may be allowed by the Special Permit Granting Authority in accordance with Section 3.250 of this bylaw; 2.Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390, as amended; 3.Waste oil retention facilities required by M.G.L. Ch. 21, Sec. 52A, as amended, and; 4.Treatment works approved by the Massachusetts Department of Environmental Protection and designed in accordance with 314 CMR 5.00, as amended, for the treatment of contaminated ground or surface waters. Regulations 310 CMR 30, as amended, are prohibited.] dispose of process waste waters on site.	3.2531Industrial or commercial uses which [involve, as their primary business activity, hazardous material in amounts exceeding the minimum threshold amount requiring compliance with Mass. Dept. of Environmental Quality Engineering Hazardous Waste
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3.2532[Commercial uses which involve, as their primary business activity, hazardous materials, including but not limited to, t]ruck or bus terminals, car washes, gasoline sales, motor vehicle service and repair shops, fuel oil storage and sales[, and wood preserving, stripping and refinishing operations are prohibited].
T commercial

3.2533

Solid waste landfills, dumps, auto recycling, auto graveyards. junk and salvage yards, landfilling or storage of sludge and septage, with the exception of the disposal of brush or stumps.

3.2534Underground storage and/or transmission of oil or other petroleum products not in a containment structure approved by the Permit Granting Board, except for liquified petroleum gases and gasoline, which shall require a Special Permit in accordance with Section 3.257, is prohibited. The outdoor storage of de-icing materials[or] pesticides, herbicides, fertilizers, and other hazardous lawn and garden chemicals for home use is prohibited.
also , salt,

3.2535

[The use of] septic system chemical cleaners which contain [hazardous materials] [, including but not limited to] methylene chloride and 1-1-1 trichlorethane, [is prohibited]
or other household hazardous waste. limited to
residential septic

3.2536

3.2537

Stockpiling and disposal of snow or ice removed from highways and streets located outside the ARP District that contains sodium chloride, calcium chloride, chemically treated abrasives or other

Wastewater treatment plants or works subject to 310 CMR 5.00, as amended, including community septic systems, which discharge more than 15,000 gallons per day and require a permit from the Massachusetts Department of Environmental Protection, except the following:

- 1.The replacement or repair of an existing system that will not result in any increase in the design capacity of said system;
- 2.The replacement of an existing subsurface sewage disposal system with wastewater treatment works that will not result in any increase over the design capacity of the existing system, and;
- 3.Treatment works designed for the treatment of contaminated ground or surface waters subject to 314 CMR 5.00, as amended.

or commercial storage of sodium chloride and other de-icing materials, pesticides, herbicides, fertilizers, and other hazardous lawn and garden chemicals is prohibited. Ice control measures shall not include the use of sodium chloride in this district.

3.254

Restricted Uses

The following uses are restricted in the ARP District

3.2540[Excavation of earth, sand, gravel and other soils or geologic materials shall not extend closer than ten (10) feet above the annual high water table on the site, except to provide for structural foundations and utility conduits. This restriction also shall not apply to the installation or maintenance of on-site septic systems.]

The municipal storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads shall be covered and located on a paved surface, with berms, within a structure designed to prevent the generation and escape of contamination run-off or leachate.

541 Fertilizers, pesticides, herbicides and other leachable lawn and garden chemicals shall be used in accordance with the Lawn Care Regulations of the Massachusetts Pesticide Board, 333 CMR 10.03 (30,31), as amended, with manufacturer's label instructions, and all other necessary precautions to minimize adverse impacts on surface and groundwater.

3.2542 Industrial or commercial uses which involve the storage, use or presence of any oil, petrochemical product, pesticide, herbicide, fertilizer, or other hazardous leachable materials on any site within the ARP District, shall require a Special Permit from the Zoning Board of Appeals. A Special Permit shall be issued only upon a specific finding that the hazardous material(s) will be transported, stored, used and disposed of in a manner that will not constitute a threat to the Lawrence Swamp Aquifer.

3.255

Drainage

3.2550 To the extent possible, runoff from impervious surfaces shall be recharged on the site by being diverted to areas covered with vegetation for surface infiltration. No more than 15% of the net runoff from a lot, calculated after development, may be diverted out of the ARP District.

All detention or retention basins, ponds and similar drainage structures shall be permanently maintained in full working order by the property owner, unless otherwise specified by the permit granting authority.

2551 [The use of d] ry wells [and retention ponds with appropriate winter alternatives are acceptable, provided that] dry wells that receive runoff from roadways, driveways and parking areas shall be constructed with oil, grease, and sediment traps in the drainage way to facilitate removal of contaminating materials. A maintenance plan for any dry wells or other structures or site alterations intended to facilitate infiltration shall be submitted to the Permit Granting Authority or to the Building Commissioner.

shall be used only where other methods are infeasible, and

Any lot having an impervious area less than 3,000 square feet shall be exempt from these requirements.

3.2552

3.256 Split Zoning

For any lot that is divided by the ARP District boundary, whose frontage is not located in the ARP District and for which a proposed use (allowed by the underlying zoning district) is restricted by either the location of the District boundary or the dimensional requirements of the ARP District, an owner may apply to the {Zoning Board of Appeals, for a] Special Permit for a waiver of the restrictions or dimensional requirements of the APR District provided the Board makes the findings required in Section 3.2582.

Granting Authority

3.257 Dimensional Regulations

3.2570 Lot Coverage

Maximum lot coverage for residentially zoned land--15%

Maximum lot coverage for PRP zoned land--50%

3.2571 Building Coverage

Maximum building coverage for residentially zoned land--10%

Maximum building coverage for PRP zoned land--25%

3.258 Special Permits/Site Plan Review in the ARP District

3.2580 For all uses which require either a Special Permit or Site Plan Review in accordance with Section 3.3, the following shall be required as part of the application submission:

1. A site plan which shall show, at a minimum:

a. Drainage recharge features and provisions to prevent loss of recharge.

b. Erosion and sedimentation control measures.

c. Provisions to prevent soil compaction.

d. Measures to prevent contamination from petroleum products or

hazardous chemicals.

e.Provisions to prevent seepage from sewage disposal systems.

In addition, for any commercial or industrial use involving hazardous materials, a written operating plan shall be filed which shall include physical and management provisions for:

3.2581

1. Protecting hazardous materials from vandalism.

- 2.Prevention of corrosion of containers or piping and subsequent leakage of hazardous materials.
- 3.Indoor storage of all hazardous materials.
- 4.Storage area features such as impervious floor surfaces with no interior drains.
- 5.Measures to prevent hazardous materials spills during transport, transfer or use.
- 6.Notification, containment and clean-up in the event of hazardous materials spills.
- 7.Evidence of insurance, bonding, or other financial security adequate to cover the cost of containment and clean-up of hazardous materials spills.
- 8.The availability and feasibility of proposed disposal methods.
- 9.Safe storage, transfer, and disposal of accumulated hazardous waste materials.

The operating plan shall identify completely all chemicals, pesticides, fuels and other hazardous materials and estimates of the amounts of such materials to be used each month for the first two years of operation. Following approval of a permit, records shall thereafter be retained showing the actual amounts used each month.

Uses permitted by either a Special Permit or Site Plan Review shall submit two (2) copies of an annual report containing actual data for each month and describing any changes in the operation or physical conditions on the premises.

3.2582

The annual report shall also describe any changes in operations or conditions expected or proposed for the upcoming year. One copy of the annual report shall be forwarded to the Board of Health. Annual reports shall be due on the anniversary of the granting of the approval, or within fourteen (14) working days of that date.

The applicant shall file six (6) copies of the proposed operating plan with the Zoning Board of Appeals (Special Permit)/Planning Board (Site Plan Review). Copies will be transmitted, within 7 days, to the ZBA/Planning Board, Conservation Commission, Board of Health, and Building Commissioner, for their review and recommendations.

3.2583

The Zoning Board of Appeals and Planning Board may require [reasonable] additional information [it] find[s] necessary for adequate assessment of the proposed use.

3.2584

such

as they may

The following findings shall be made for any approvals granted:

3.2585

- 1.The permit granting Board shall find that the proposal either is in harmony or is not in harmony with the purposes and intent of this section and must specify reasons therefore.
- 2.The permit granting Board shall find that the proposed use provides for adequate sewage disposal and water service systems.
- 3.The permit granting Board shall find that the proposed use will not have an adverse environmental impact on any watershed, watercourse or waterbody in the ARP District during construction.
- 4.The permit granting Board shall find that the proposed use will not adversely affect the quality and quantity of water in the Lawrence Swamp basin.

3.259 Exemptions & Residential Development
Exemptions

3.2590

In any instance where a property owner disputes the inclusion of their property in the ARP District, the owner may engage a professional hydrogeologist, or engineer or geologist with experience in hydrogeology to determine if that property should

be included in the ARP District based on the definition and purposes of the district and on the characteristics of the property.

Based on this determination, the property owner may apply to the Zoning Board of Appeals for a Special Permit for any use that would otherwise be permitted in the underlying zoning district but which is prohibited or constrained by the restrictions in the ARP District. The Board shall find, based on Sections 3.251 and 3.252, that the property either is or is not exempt from the provisions of Section 3.25 and may therefore issue a Special Permit.

Residential Development
3.2591

For all parcels of land which are located in both the ARP District and the Low Density Residence District (R-LD), the following requirements shall be met:

Residential subdivisions requiring approval under M.G.L. Ch. 41, The Subdivision Control Law, shall be laid out as cluster developments in accordance with Section 4.3 of the Zoning Bylaw.

1.

ARTICLE 12. Zoning Bylaw Amendment - Educational and Religious Uses - Clarification
(Planning Board)

To see if the Town will amend Article 6, Dimensional Regulations, Table 3 and Article 7, Parking Regulations, of the Zoning Bylaw, deleting the language in brackets and adding the shaded language, as follows:

A.Add a new Section 6.5, Educational and Religious Uses, as follows:

SECTION 6.5 EDUCATIONAL AND RELIGIOUS USES

All structures approved after January 1, 1994, by a permit granting authority for educational or religious uses shall have minimum front, side and rear yard set backs twice the distance shown in Table 3 for that zoning district, except in the B-G where the setbacks in Table 3 shall apply.

B.Amend Table 3 by adding a superscript "1" to the title "Table 3 - Dimensional Regulations" and by adding the following new footnote at the bottom of the table:

¹ The above dimensional regulations shall apply to all educational and religious uses located in the zoning districts listed above, except as provided for in Section 6.5.

C.Amend Article 7, Parking Regulations, by amending Section 7.002, adding new sections 7.003 through 7.006 and renumbering the remaining sections accordingly, as follows:

7.002 For places of public assembly, including [school and religious group auditoriums,] libraries, museums, clubs, restaurants, theaters, bowling alleys[,] and other amusement centers, funeral establishments, trade school[,] and bus depot - one parking space for each four seats[,] or where benches are used, one space for each eight linear feet of bench. Where no fixed seats are used (as in a museum), there shall be one parking space provided for each 80 square feet of public floor area.

(1) (4) (8) , s (1) (1)

7.003 Religious and Educational Uses

7.0030For places of public assembly for educational or religious use, one parking space for every four (4) seats, or where benches are used, one space for each eight (8) lineal feet of bench. Where standing room and/or seating on the floor is to be used, there shall be one (1) parking space provided for each 80 square feet of public floor area.

7.0031 For each meeting hall, social center or other similar place(s) of assembly used for religious purposes there shall be at least one (1) parking space for every four (4) seats. These parking spaces shall be in addition to the parking spaces required in Section 7.0030 only if there is substantial regular, concurrent use of the place(s) of assembly on the property.

7.003.2 Dwelling place of a religious community. For each convent, monastery, or like dwelling place of a religious community, there shall be at least one (1) parking space for every three (3) bedrooms for single or double occupancy, or for every three (3) beds in group sleeping quarters.

ARTICLE 13. Zoning Bylaw Amendment - Flag Lot Revisions
(Planning Board)

To see if the Town will amend Section 6.3, Flag Lots, of the Zoning Bylaw by adding the shaded language and deleting the language in brackets, as follows:

A.Amend Sections 6.33 and 6.34, as follows:

- 6.33 Each lot shall have an access strip with a minimum street frontage of forty feet, a minimum width of forty feet at any point between the street and the principal building, and a maximum length of four hundred feet
- 6.34 The access strip shall end and the building area of the lot shall begin. Where driveway access to a principal building is achieved over the access strip of the lot, then said access strip shall have no change of direction greater than 45 degrees.
a
th of the lot where the principal building is to be constructed shall equal or exceed the distance normally required for street frontage in that district. [except in] n a Cluster Subdivision, [in which case] the width of the lot where the principal building is to be constructed shall equal or exceed the distance required for cluster lot frontage in that district.
the building area of the lot. I uous streetward boundry of

B.Add the following new Section 6.35:

- 6.35
- That portion of a flag lot within which the principal building is to be located shall be considered the building area. The building area of a flag lot shall be capable of containing a circle whose diameter is equal to or greater than the minimum standard street frontage required in the district where the flag lot has its frontage, without any portion of said circle falling outside of the property.

ARTICLE 14.
Zoning Bylaw
Amendment - Lot Coverage and Permeability
(Planning Board)

To see if the Town will amend Section 6.18, Maximum Lot Coverage, deleting the language in brackets and adding the shaded language, as follows:

6.18 Maximum Lot Coverage

- Maximum lot coverage shall include the percentage of a lot covered in the manner described in Section 6.17, Maximum Building Coverage, plus that portion of a lot covered by driveways, parking areas, walkway, tennis courts, swimming pools or other [impermeable] surfaces.
- For the purposes of this bylaw, all such surfaces, whether constructed of impermeable materials (i.e., concrete, bituminous asphalt, oil and stone and the like) or constructed of permeable materials (i.e., gravel, peastone and the like) shall be included in the calculation of maximum lot coverage.

ARTICLE 15. Zoning Bylaw Amendment - Dimension Regulations - (PETITION)
(Frederic P. Hartwell)

"To see if the Town will vote to amend the Zoning By-Law as follows:

In Article 6, Table 3 (Dimensional Regulations), R-G zoning district, change the "Basic Minimum Lot Area" to 15,000 sq. ft.; change the "Additional Lot Area Per Family" to 4,000 sq. ft.; and add a new footnote "1" to both dimensions as follows:

1. For new apartments and town houses, these areas shall apply in addition to the areas required by this table for any existing structures on the lot. For converted dwellings the basic minimum lot area shall be 12,000 sq. ft. and the additional lot area per family shall be 2,500 sq. ft."

ARTICLE 16. Zoning Bylaw Amendment - Town House/Apartments - (PETITION)
(Frederic P. Hartwell)

"To see if the Town will vote to amend the Zoning Bylaw as follows:

In Section 3.322 (Town House) in the R-G zoning district, by striking out "SP" and inserting in place thereof "N".

In Section 3.323 (Apartments) in the R-G zoning district, by striking out "SP" and inserting in place thereof "N".

ARTICLE 17. Zoning Bylaw Amendment - Converted Dwellings Standards and Conditions
of Section 3.324 - (PETITION) (Vince O'Connor, et al)

"To see if the town will vote to amend the following Standards and Conditions of Section 3.324
Converted Dwellings of the Zoning Bylaw by adding the following

5. The conversion from one to two units of an existing dwelling which meets all parking requirements, all dimensional requirements, and all other Standards and Conditions of this Section shall be by right. The conversion from one to two units of an existing dwelling unit which meets all parking requirements and all other Standards and Conditions of this Section, and all but a single dimensional requirement shall be by right, however, the additional housing unit shall be limited to 600 square feet or less and the provisions of Condition #7 of this Section shall not be applicable to the dwelling. Any other proposed conversion...

7. In addition to conversions permitted by right under Condition #5, the Zoning...

9. ..., including building permit applications for conversions allowed by right.

10. ... The landscaping plan accompanying applications for building permits for conversions allowed by right shall provide for the screening of any additional parking spaces from abutting residences.

so that the Standards and Conditions (and Use Table by Zoning District) for Section 3.324 of the Zoning Bylaw shall read:

[illegible]

ARTICLE 18. Zoning Map Amendment - Belchertown Road

(Planning Board and by request of Robert L. Rivard and Michael J. Kane)

To see if the Town will amend the Official Zoning Map in the following manner:

- a: Rezone Parcel 21, Map 15C from Neighborhood Residence (R-N) District to the
- b: Rezone Parcel 51, Map 15C from the Neighborhood Residence (R-N) District to
- c: Rezone a portion of Parcel 43, Map 15A and Parcel 19, Map 15C from the
Neighborhood Residence (R-N) District to the Commercial (COM) District.

ARTICLE 19. Keg Bylaw Amendment (Select Board)

To see if the Town will amend the Keg Bylaw, Article 2 of the General Regulations, by changing section 2.6 by deleting the language in brackets and adding the shaded language as follows:

Keg. any metal, wooden, plastic, paper or other container designed to hold [five (5)] or more gallons of liquid and actually containing any amount of a malt beverage.

five and one-half (5.5)

ARTICLE 20. Eastern Hampshire Refuse District - PETITION
(Jeffrey Wood/Jane Ricard on behalf of T.R.A.S.H.)

"Direct Eastern Hampshire Refuse District to purchase approximately a 20 acre site and construct a co-composting facility instead of a regional landfill.

Direct Eastern Hampshire Refuse District to follow January 1992 Camp Dresser & McKee report, Option H, as worded below, and as further defined in this warrant.

"Option H - A new phased composting facility would be developed in-District by 1995 to handle District leaf and yard waste, and sludge as well. The composting facility would be expanded in the late 1990s to process food waste, and subsequently expanded to accommodate mixed solid waste. Landfill capacity must be identified to accommodate non-processibles and residuals either through an in-District or out-of-district facility."

Whereas Amherst May 1990 Town Meeting voted to join the Eastern hampshire Regional Refuse District,

Whereas Amherst may 1992 Town Meeting voted to accept the January 1992 Camp Dresser & McKee Report, Option H,

Whereas the report recommends Option H as predominantly a 20-acre domed co-composting facility, which is capable of co-composting 90% of our waste stream at lower or equal cost to a landfill, (i.e. see Composting: Solutions for Waste Management, published by the International City/County Management Association, copyright 1992.)

Furthermore, to define Option H to mean transfer of the approximately 10% by volume of only District members' non-processibles and residuals resulting from the District's domed 20-acre co-composting refuse facility to an offsite (out-of-District) environmentally acceptable location per DEP regulations, except when nonprocessibles and residuals can be deposited in the existing Amherst landfill.

Furthermore, to make the comprehensive plan (being the final executive copy of the January, 1992 Camp Dresser & McKee report), available in the Selectman's and Town Clerk's office and at the Town's printing cost, to the general public.

Therefore, for this Town Meeting and appropriate Town authorities to direct Eastern Hampshire Regional Refuse District to implement option H as defined by the Camp, Dresser and McKee study, Option H, and as further defined above."

ARTICLE 21. Regional Sanitary Landfill - PETITION
(Jeffrey Wood/Jane Ricard on behalf of T.R.A.S.H.)

"Remove the threat of a Regional Sanitary Landfill in Amherst

Whereas Town Meeting voted to join a self-governing body called the Eastern Hampshire Regional Refuse "District" under Article 29 at May 1990 Town Meeting,

Whereas the "District," as voted under Article 29, was comprised of Amherst and/or Belchertown and Hadley,

Whereas Belchertown is withdrawing because it doesn't want a regional landfill in its town, and Hadley is considering withdrawal for fiscal considerations. Consequently, viability of the "District" as was originally voted in May 1990 Town Meeting is in serious question.

Whereas the "District" has the right to purchase land, construct and run a regional landfill in Amherst, with little decision-making input from our Town boards, and with the possibility that the bond for financing might fail due to the unpredictability of flow control bylaws, i.e. 1) the recent legal case of Devito vs. Rhode Island, which voided all flow control laws throughout the state of Rhode Island, 2) the Northampton Regional Landfill needs 90 tons of waste per day and is presently receiving 60 tons per

day, putting their bond in jeopardy and their district tax-payers at risk. Such a result in Amherst would mean we the townspeople foot the bill in either increased taxes or astronomical waste removal fees.

Whereas the "District" is a self-governing board, given the content of the contract between Amherst and the "District," they have the right to allow trash originating anywhere in the district, state and nation (i.e. N.Y. City trash to Amherst) to be dumped in the "District's" Amherst Regional Landfill. After composting, the Amherst tonnage for Amherst residuals should approximate 14 tons per day. The opinions of DEP, Camp Dresser & McKee and other authorities range from 150-500 tons per day to operate a financially sound regional landfill. Amherst's residuals would then account for a little as 7% of the tonnage in the "District's" landfill and thus up to 93% of refuse dumped in Amherst's "District" landfill would be trucked in from other towns. This District landfill could be up to 4 times the size of Amherst's present landfill.

Whereas the May 1992 Amherst town meeting voted to accept the Camp Dresser & McKee Engineering Study, which recommended Option H as the preferred method of refuse disposal. Option H reads as follows:

"Option H - A new phased composting facility would be developed in-District by 1995 to handle District leaf and yard waste, and sludge as well. The facility would be expanded in the late 1990s to process food waste, and subsequently expanded to accommodate mixed solid waste. Landfill capacity must be identified to accommodate non-processibles and residuals either through an in-District or out-of-District facility."

Based on the Town Meeting vote, the town meeting again directs the "District" to follow Option H, for as long as Amherst remains in the "District". This Town Meeting further directs the "District" to implement Option H with a 20-acre domed co-composting facility, as recommended in the same Camp Dresser & McKee report, and specifically to transfer the 10% by volume of Amherst nonprocessibles and residuals to an out-of-District facility instead of an in-District 50-150 acre regional landfill.

Whereas the "District" was originally created with the understanding that Massachusetts funds would be available to encourage regional solutions to refuse disposal. At this time, these funds are no longer available.

Whereas the Fall 1990 Town Meeting ceded absolute authority and CONTROLLABILITY of the Amherst waste flow to the Eastern Hampshire Refuse District, which is a SEPARATE GOVERNING BODY, often with different environmental, financial and suitability goals, which may not be consistent with those of Amherst.

THEREFORE, it is requested that the Amherst Town Meeting vote to withdraw from the Eastern Hampshire Regional Refuse District, and direct the Selectmen and other town authorities to do so at the first available opportunity. Withdrawal would protect Amherst residents from massive financial responsibility incurred by the "District" property purchases and construction facility costs. At present, almost no debt exists.

FURTHERMORE AND INSTEAD, to require the Board of Selectmen to establish a RESOURCE PRESERVATION COUNCIL made up of a member from all town boards and commissions, a member from all town-approved refuse-related committees along with 3 Amherst residents selected by 3 town-wide resident-signed petitions having the highest number of signatures (verified by Town Clerk). This Council to begin meeting within 30 days of this Town Meeting, to meet monthly, and to create a report regarding the consideration of all waste management and disposal options (Option H, co-composting, landfill, etc.) to be presented and voted on at Fall 1994 Town Meeting."

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1 North Amherst Post Office Prec. 6 Fort River School
Prec. 2 North Fire Station Prec. 7 Crocker Farm School
Prec. 3 Marks Meadow School Prec. 8 Munson Library
Prec. 4 Amherst Post Office Prec. 9 Wildwood School
Prec. 5 Bangs Community Center Prec. 10 Campus Center/UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 18th day of October, A.D. 1993.

B.C. Harvey
Carolyn Holstein
Brenna Y. Kucinski
Elisa K. Campbell
David T. Keenan

Board of Selectmen

Hampshire, ss.

October 20, 1993
(date)

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Robert J. O'Connor

Constable